

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

VEROBLUE FARMS USA, INC.,
Plaintiff,

v.

LESLIE A. WULF, ET AL.,
Defendants.

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Civil Action No. 3:19-cv-00764-X

**THIRD-PARTY DEFENDANT ALDER AQUA, LTD.’S
MOTION TO DISMISS AMENDED THIRD-PARTY COMPLAINT
UNDER RULE 12(b)**

Third-Party Defendant Alder Aqua, Ltd. (“Alder Aqua”) moves to dismiss the third-party claims brought against it by Defendants/Third-Party Plaintiffs Leslie A. Wulf (“Wulf”), Bruce A. Hall (“Hall”), James Rea (“James Rea”), and John (Ted) Rea (“Ted Rea”) in the Amended Third-Party Complaint (Dkt. 186) under:

1. Rule 12(b)(1) because the Court lacks subject-matter jurisdiction;
2. Rule 12(b)(6) because the Amended Third-Party Complaint fails to state a claim against Alder Aqua upon which relief may be granted; and
3. Rule 12(b)(5) because service of process on Alder Aqua was insufficient.

For the forgoing reasons, and as supported by Alder Aqua’s accompanying Brief and Appendix, Alder Aqua respectfully requests that this Court dismiss the claims made against it in

the Amended Third-Party Complaint, and grant it such other and further relief to which it may be entitled.

Dated: December 4, 2019.

Respectfully submitted,

By: /s/ John P. Kincade
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***ATTORNEYS FOR THIRD-PARTY
DEFENDANT, ALDER AQUA, LTD.***

CERTIFICATE OF SERVICE

I certify that on December 4, 2019, this document was filed and served via the Court's ECF system and that a copy was sent via electronic mail to all counsel of record for whom the ECF system did not send an automatic Notice of Electronic Filing.

/s/ John P. Kincade
One of Counsel